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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,633

02/10/2006

Kevin Linane Drage

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03/17/2009

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,633	Applicant(s) DRAGE, KEVIN LINANE	
	Examiner Bradley T. King	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11-05, 5-07, 11-07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim element "fastening means for providing floating attachment" is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. In this case, it is not clear what structure corresponds to the "fastening means". For example, it is not clear if the means is only the pins; the pins and associated slot; or the pins, slot and spring. The claims further define "floating attachment means" or means for limiting axial movement or float". It is not clear if these means correspond to the "fastening means" or are separate means.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function.

For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim 12 recites “the axially aligned bores”. There is insufficient antecedent basis for this limitation in the claims.

Claim 12 recites “them”. It is not clear what structure corresponds to “them”.

Claim 19 recites “the axially aligned bores”. There is insufficient antecedent basis for this limitation in the claims.

Claim 23 recites “said slot”. It is not clear if this refers to a particular slot, or each of the plural slots defined by the claim.

Claim 24 recites “the nodes”, “the recessed portion”, “the disc brake rotor”, and “the inwardly protruding tabs”. There is insufficient antecedent basis for these limitations in the claim. Claim 24 also contains multiple sentences.

The claims have several instances of lack of antecedent basis. Applicant should find and correct all instances

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 61-241538.

JP 61-241538 discloses all the limitations of the instant claims including; hub 2 with at least one projecting portion 2a, the projecting portion having a slot 3 formed at least a part way around thereof, said slot lying in a plane substantially normal to the axis of rotation of the wheel and parallel to the plane of rotation of the wheel, said disc brake rotor 1 having at least one radially inward protruding tab 1a adapted to locate in the hub slot, and fastening means 7 for providing floating attachment of the wheel and rotor disc.

Regarding claim 4, note shoulder created at the threaded portion 7.

Regarding claim 13, note tab at reference number 4 limits float.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 61-241538 in view of EP 0 610 797.

JP 61-241538 discloses all the limitations of the instant claims with exception to the disclosure of a spring clip or spring washers. EP 0 610 797 discloses a similar

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braking arrangement and further teaches spring clips or washers 17 to provide proper positioning of a rotor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the spring washers taught by EP 0 610 797 in the floating arrangement of JP 61-241538 to provide proper rotor positioning to the brake, thereby increasing performance and reducing noise from excessive movement.

Regarding claims 27-29, EP 0 610 797 further teaches countersunk holes (figures 11a-b). It further would have been obvious to one of ordinary skill in the art at the time the invention was made to include the countersunk regions taught by EP 0 610 797 in the rotor of JP 61-241538 to provide a more compact arrangement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lehmann et al and Buell et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

BTK